



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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#542-22

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	December 13, 2022
Land Use Action Date:	February 28, 2023
City Council Action Date:	March 6, 2023
90-Day Expiration Date:	March 13, 2023

DATE: December 9, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Cat Kemmett, Senior Planer

SUBJECT: **Petition #542-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second three-car attached garage exceeding 700 sq. ft. at 157 Dudley Road, Ward 8, Newton, on land known as Section 81 Block 51 Lot 06B containing approximately 120,105 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**157 Dudley Road**

### **EXECUTIVE SUMMARY**

The subject property is comprised of a 120,105 in the SR-1 district, improved with a single-family dwelling with an attached three car garage. The petitioners intend to construct an addition that will connect the principal dwelling with an existing pool house on the site. The addition will consist of a 757 square foot three-car garage attached to the pool house wing of the dwelling, facing out on the existing attached garage. The total garage area exceeds the 700 square feet maximum allowed as of right, requiring a special permit. The second garage also requires relief to allow an additional attached garage.

This addition complies with the standards set forth for floor area ratio, and well exceeds the required setbacks. The proposed garage will be located on an existing a concrete driveway, thus not resulting in a significant increase in the impervious area on site. The dwelling is set back from the street and there is ample screening and vegetation to mitigate the visual impact of an additional garage, and the garage doors are oriented to face the existing garage on the site, rather than a neighboring property. Given these mitigating measures, Planning staff is not concerned about the project as proposed.

### **SIGNIFICANT ISSUES FOR CONSIDERATION**

When reviewing this request, the Council should consider whether:

- The site in SR-1 is an appropriate location for the proposed second three-car attached garage exceeding 700 square feet. (§7.3.3.C.1)
- The proposed second three-car attached garage exceeding 700 square feet will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed second three-car attached garage exceeding 700 square feet will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

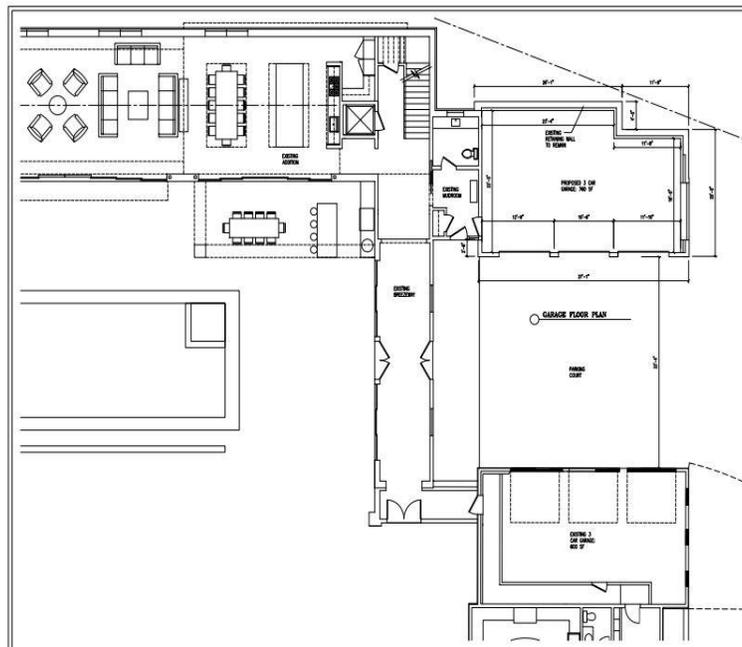
## **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

### **A. Neighborhood and Zoning**

The subject property is located on Dudley Road in the SR-1 district. The property's current land use is single-family residential. The area is predominantly residential with mostly single-family dwellings. The properties north on Algonquin Street and east on Commonwealth Avenue are mostly in the MR-1 zone, properties within the SR-2 zone to the west and MR-2 to the east on Commonwealth Ave. There is a Public Use zone south of the site which is the location of Newton South High School.



The proposed addition would add 757 square feet of garage space to the existing 697 square foot attached garage for a total of 1,454 square feet of garage area in two attached garages. Because the by right maximum is 700 square feet in total garage area, a special permit is required. The proposed garage would connect to the existing dwelling via a mudroom, which the plans indicate will remain as-is, and will be built over part of what is currently a bituminous concrete drive. The front of the new garage will face south, directly opposite the front of the existing attached garage. The garage fronts will be separated 33.3 feet by an existing paved parking court.



Garage Floor Plan

As proposed, the addition would increase the FAR on the site from .116 to .122 and increase the lot coverage from 6.8% to 7.5%. The open space will increase slightly from 83.4% to 84.1%. No setbacks would be impacted. No additional relief is required for FAR, setbacks, lot coverage, or open space.

C. Parking and Circulation

The petitioners are proposing to construct a second attached garage to the existing dwelling, for a total of 1,454 square feet of garage area in two attached garages. An existing paved parking court will allow for vehicles to maneuver in and out of each

garage. The existing curb cut and driveway on Dudley Road will remain.

D. Landscaping

A landscape plan is not required for this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**Attachment A**) provides an analysis of the proposal regarding zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the following relief:

Zoning Relief Required		
Ordinance		Action Required
§3.4.4.E.1	To allow 1,454 square feet of total garage area in two separate attached garages accommodating six vehicles	S.P. per §7.3.3

B. Engineering Review

Engineering review is not required for this petition.

C. Historic Preservation Review

Historic review is not required for this petition

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

**Attachment A:** Zoning Review Memorandum

**Attachment B:** DRAFT Council Order



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**Attachment A**  
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Director

## ZONING REVIEW MEMORANDUM

Date: September 21, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Long Range Planning

Cc: Franklin Schwarzer, Attorney  
Adam Valkin and Talia Alexander Valkin, Trustees  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to allow more than 700 square feet of total garage area within two separate attached garages accommodating six vehicles**

Applicant: Adam Valkin & Talia Alexander Valkin	
Site: 157 Dudley Road	SBL: 81051 0006B
Zoning: SR1	Lot Area: 120,105 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 157 Dudley Road consists of a 120,105 square foot lot improved with a single-family dwelling constructed in 2015. The applicants seek a special permit to allow for a second three-car attached garage. A single-family dwelling with two attached garages exceeding 700 square feet in total garage area requires a special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Franklin Schwarzer, attorney, submitted 8/30/2022
- Plans and elevations, prepared by Legault Design LLC, dated 2/16/2022
- Site Plan, signed and stamped by Verne T. Porter Jr, surveyor, dated 6/6/2022

**ADMINISTRATIVE DETERMINATIONS:**

1. The property is improved with a single-family dwelling constructed in 2015 with an attached three-car garage. A building permit was issued in error in 2021 for a pool house which has been deemed to have a tenuous connection to the principal structure, attaching by the roof only. The petitioners intend to construct an addition that results in a full attachment to the principal dwelling with a new building permit, rectifying the attachment issue and allowing for the proposed construction. The following relief assumes that the pool house is attached to the principal dwelling.
2. The petitioners propose to construct a second 757 square foot attached three-car garage connected to the pool house wing of the dwelling facing the existing 697 square foot attached garage. Per section 3.4.4.E.1 there may be no more than 700 square feet in total garage area on a lot for a residential building with one dwelling unit and no more than one attached garage unless a special permit is granted. Per section 3.4.4.H.1 a special permit is required to allow for 1,454 square feet of total garage area in two attached garages accommodating six vehicles.

SR1 Zone	Required	Existing	Proposed
Lot Size	25,000 square feet	120,105 square feet	No change
Frontage	140 feet	140 feet	No change
Setbacks			
• Front	40 feet	41.2 feet	No change
• Side	20 feet	115.5 feet	No change
• Side	20 feet	46.4 feet	No change
• Rear	25 feet	>100 feet	No change
Max Number of Stories	2.5	2.5	No change
Height	36 feet	NA	31.91 feet
FAR	.26	.116	.122
Max Lot Coverage	15%	6.8%	7.5%
Min. Open Space	70%	83.4%	84.1%

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.4.E.1	To allow 1,454 square feet of total garage area in two separate attached garages accommodating six vehicles	S.P. per §7.3.3

CITY OF NEWTON  
IN CITY COUNCIL

## ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second three-car attached garage exceeding 700 square feet as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the second three-car attached garage exceeding 700 square feet because it is screened from the street and is located on existing impervious area. (§7.3.3.C.1, §3.1.3, §3.1.9).
2. The proposed second three-car attached garage exceeding 700 square feet will not adversely affect the neighborhood because the garage exceeds the required setbacks, remains below the maximum floor area ratio, and will not be visible from a public way. (§7.3.3.C.2, §3.1.3, §3.1.9).
3. There will not be a nuisance or serious hazard to vehicles or pedestrians because the existing driveway location is being maintained (§7.3.3.C.3, §3.1.3, §3.1.9).
4. Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §3.1.3, §3.1.9).

PETITION NUMBER: #504-22

PETITIONER: Franklin Schwarzer

LOCATION: 157 Dudley Road, on land known as Section 81 Block 51 Lot 06B containing approximately 120,105 square feet of land

OWNER: Adam Alexander and Talia Valkin

ADDRESS OF OWNER: 157 Dudley Road  
Newton, MA 02459

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit under §7.3.3 to: allow 1,454 square feet of total garage area in two separate attached garages (§3.4.4.E.1)

ZONING: Single Residence 1

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Proposed Garage Location, 157 Dudley Road, signed and stamped by Verne T. Porter Jr., Land Surveyor, dated June 6, 2022
  - b. Valkin Residence plans, prepared by Legault Design LLC, signed and stamped by Gregory T. Legault, registered architect, dated October 12, 2022 and updated November 9, 2022, consisting of two (2) sheets.
    - i. Garage Floor Plan, G1.1
    - ii. Garage Elevations, G1.2
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit (other than a demolition permit) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this council order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Filed with the building permit application statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
  - b. Submitted final as-built survey plans in digital format.